

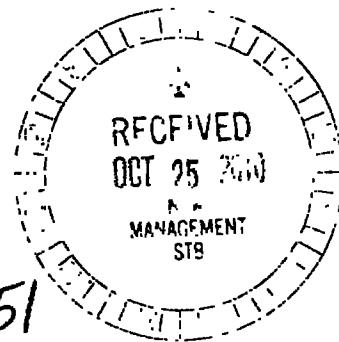
BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 863-7820
FACSIMILE (202) 863-7849

WILLIAM A. MULLINS

(202) 863-7823 (Direct Dial)
E-Mail wmullins@bakerandmiller.com



October 25, 2010

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Office of Proceedings
OCT 25 2010
Public Record

Re: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Ms. Brown:

Pursuant to the Board's abandonment class exemption procedures for lines with no local business for at least two years (49 CFR 1152.50), enclosed are an original and 11 copies of a verified Abandonment Notice of Exemption.

A check in the amount of \$3,600.00 is enclosed as the filing fee.

Please acknowledge receipt and filing of this Notice of Exemption by date stamping the enclosed eleventh copy and returning it to the courier to return to me.

Sincerely,


William A. Mullins

Enclosures
cc: J. Michael Carr

FEE RECEIVED

OCT 25 2010

SURFACE
TRANSPORTATION BOARD

FILED
OCT 25 2010
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1065X

**INDIANA SOUTHWESTERN RAILWAY CO.
- ABANDONMENT EXEMPTION -
IN POSEY AND VANDERBURGH COUNTIES, IN**

EXEMPTION NOTICE

228051

**FEE RECEIVED
OCT 25 2010
SURFACE
TRANSPORTATION BOARD**

**ENTERED
Office of Public Hearings
OCT 25 2010
Per. of
Public Record**

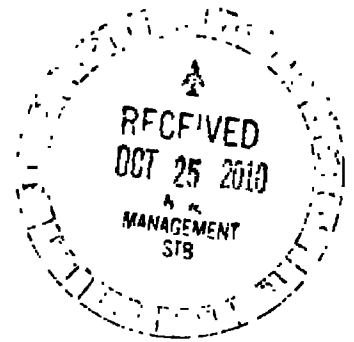
**FILED
OCT 25 2010
SURFACE
TRANSPORTATION BOARD**

**William A. Mullins
Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
Fax: (202) 663-7849**

October 25, 2010

**Attorneys for Indiana Southwestern
Railway Company**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**



STB Docket No. AB-1065X

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

EXEMPTION NOTICE

Indiana Southwestern Railway Company (“ISW”) submits the following notice of exemption pursuant to 49 CFR Part 1152, Subpart F, Exempt Abandonments and Discontinuances of Service and Trackage Rights, to abandon a total of approximately 17.2 miles of interconnecting rail lines (hereinafter, the “Lines”) as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (approximately 4.5 miles). In accordance with the requirements of 49 CFR 1152.50(b) and (d), ISW provides the following information in support of its abandonment notice of exemption:

Proposed Consummation Date: 49 CFR 1152.50(d)(2)

The abandonment will be consummated on or after January 15, 2011 (50 days after filing the notice of exemption).

Certification: 49 CFR 1152.50(b)

ISW certifies that the Lines satisfy the criteria for abandonment under the exemption in 49 CFR Part 1152, Subpart F. See Verification of J. Michael Carr, President, Indiana Southwestern Railway Company, attached hereto as Exhibit A.

Additional Information Required: 49 CFR 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 CFR 1152.22(a)(1)):

Indiana Southwestern Railway Company

Whether applicant is a common carrier by railroad (49 CFR 1152.22(a)(2)):

ISW is a Class III common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

Relief sought (49 CFR 1152.22(a)(3)):

ISW is invoking the Board's class exemption procedures to abandon approximately 17.2 miles of interconnecting rail lines in Posey and Vanderburgh Counties, IN, as follows: (1) between milepost 227.5 at Poseyville, IN. and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles).

Map (49 CFR 1152.22(a)(4)):

A detailed map showing the location of the Lines is attached hereto as Exhibit B.

Applicant's representative (1152.22(a)(7)):

ISW's representative to whom correspondence regarding this abandonment should be sent is:

William A. Mullins
Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
Fax: (202) 663-7849

USPS ZIP codes (49 CFR 1152.22(a)(8)):

The Lines lies entirely within the following U.S. Postal Service ZIP Codes: 47612, 47620, 47633, 47708, 47720, and 47725.

Rural and Community Impact (49 CFR 1152.22(e)(4)):

Because the Lines have been dormant for over two years, ISW anticipates no adverse rural impact from the proposal. Neither will there be any adverse impact on the local community, because no traffic has moved over the Lines for some time. Because the Lines have not been used for local rail shipments for over twenty-four (24) months, there will be no effect on regional or local transportation systems and patterns, and there will be no diversion of traffic to other transportation systems or modes resulting from ISW's action here.

It is ISW's opinion that the property upon which the Lines are located would be suitable for other public purposes. For example, the Lines' rights-of-way might be suited for use as a recreational trail.

The Lines do not contain federally-granted rights-of-way. As appropriate, ISW is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

The interests of affected railroad employees, if any, will be protected by the conditions discussed in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying that ISW has complied with the notice and newspaper publication requirements of 49 CFR 1152.50(d)(1) and 49 CFR 1105.12, respectively. Attached as Exhibit D is a certification of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 CFR 1105.11.

Environmental and Historic Report

In accordance with its certification of compliance with the provisions of 49 CFR 1105.11, ISW has prepared a consolidated Environmental and Historic Report ("E&HR") conforming to

the requirements of 49 CFR 1105.7 and 1105.8. A copy of that E&HR was previously served upon the Board's Section of Environmental Analysis, but is also attached hereto as Attachment 1 to Exhibit D (ISW's Section 1105.11 certification).

Respectfully submitted,



William A. Mullins
Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
Fax: (202) 663-7849

Attorney for Indiana Southwestern
Railway Company

October 25, 2010

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1065X

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

EXEMPTION NOTICE

EXHIBIT A

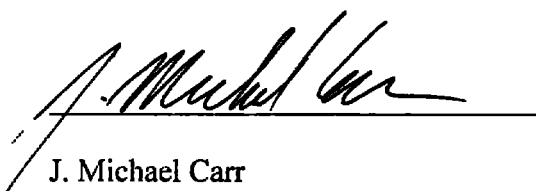
VERIFICATION

VERIFICATION

I, J. Michael Carr, President of Indiana Southwestern Railway Co. ("ISW"), hereby verify and certify that no local traffic has moved over the subject ISW lines proposed for abandonment extending from between milepost 227.5 at Poseyville and milepost 240.2 near German Township, and between milepost 277.5 at Cynthiana and milepost 282.0 at Poseyville, in Posey and Vanderburgh Counties, Indiana (the "Lines"), for at least two years. I also hereby verify and certify that there is no overhead traffic on the Lines that has been, or would need to be, rerouted as a result of the proposed abandonment. I further verify and certify that no formal complaint filed by a user of rail service on the Lines (or filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the Lines either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the said two-year period. I also certify that I am duly authorized to make this verification.

Further, I hereby verify that the information contained in the foregoing abandonment notice of exemption is true and correct to the best of my information and belief.

Dated: October 25, 2010


J. Michael Carr
President, Indiana Southwestern Railway Co.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

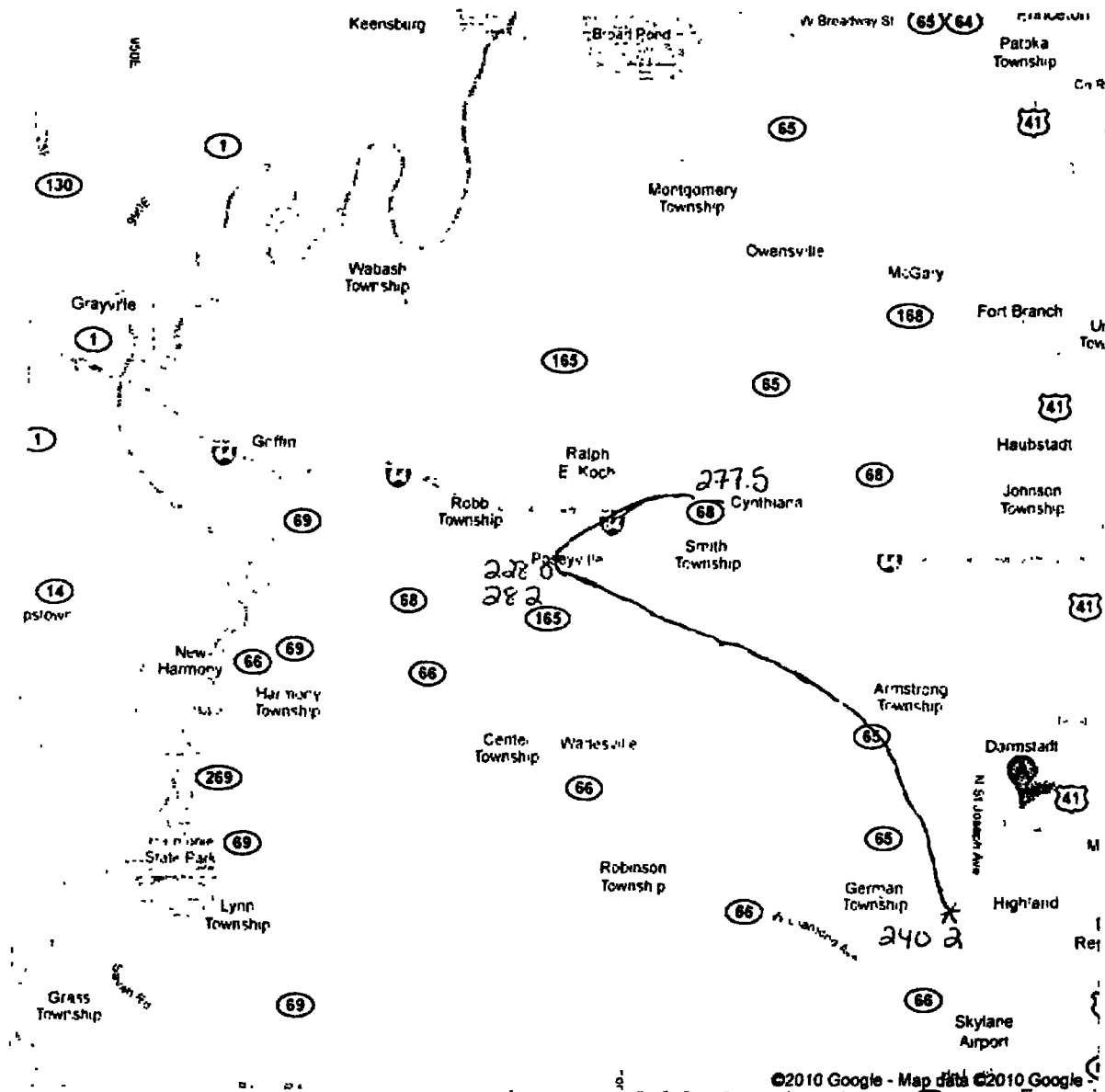
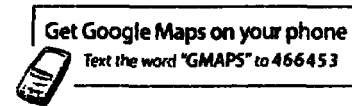
STB Docket No. AB-1065X

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

EXEMPTION NOTICE

EXHIBIT B

MAP



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1065X

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

EXEMPTION NOTICE

EXHIBIT C

**CERTIFICATIONS OF
SERVICE/PUBLICATION**

Certificate of Service

49 CFR 1152.50(d)(1) – Notice

I certify that written notice was given by Indiana Southwestern Railway Company of its intent to use the Board's notice of exemption procedures to abandon approximately 17.2 miles of rail Lines located in Posey and Vanderburgh, IN. Written notice in the prescribed form was served on October 25, 2010, on the following:

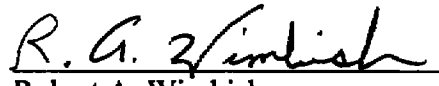
David Lott Hardy, Chairman
PNC Center
101 West Washington Street
Suite 1500 E
Indianapolis, Indiana 46204

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

October 25, 2010



Robert A. Wimbish
Attorney for Indiana Southwestern
Railway Company

Certificate of Publication

49 CFR 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon” was published in the form prescribed by the Board for a Notice of Exemption (49 CFR 1105.12). The notice was published one time on October 12, 2010, in the Posey County News, a newspaper of general circulation in Posey and Vanderburgh Counties, where the Lines are located. See Attachment 1 – Proof of Publication.

October 25, 2010


Robert A. Wimbish
Attorney for Indiana Southwestern
Railway Company

NOTICE OF INTENT TO ABANDON RAIL SERVICE

STB Docket No. AB-1065X

Indiana Southwestern Railway Co. (ISW) gives notice that on or about October 25, 2010, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F — Exempt Abandonments and Discontinuances of Service and Trackage Rights, permitting ISW to abandon approximately 17.2-miles of interconnected rail line (the "Lines") located in Posey and Vanderburgh Counties, IN, as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The subject rail lines traverse through United States Postal Service ZIP Code territories 47720, 47633, and 47612. The proceeding will be docketed as STB Docket No. AB-1065X.

The proposed action entails the abandonment of, and discontinuance of rail service over, the Lines. The Board's Section of Environmental Analysis (SEA) generally will prepare an Environmental Assessment (EA), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to subsidize continued rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and offers of financial assistance) must be filed directly with the Board's Chief of the Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: William A. Mullins, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., #300, Washington, DC 20037; phone: 202-663-7823; fax 202-663-7849.

Published in the Posey County News on October 12, 2010.

General Form No. 99P (Rev. 2009A)

To

nty, Indiana

PUBLISHER'S CLAIM

actual lines, neither of which shall
of the type in which the body of the
of equivalent lines

quals equivalent lines at 0.7219

aining rule or tabular work (50 per cent

on (\$1.00 for each proof in excess

IM

Size of type.....2.....point.

Number of insertions.....

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper times. The dates of publication being as follows:

October 12, 2010

Additionally, the statement checked below is true and correct:

- ☒ Newspaper does not have a Web site.
☒ Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
☐ Newspaper has a Web site, but due to technical problem or error, public notice was posted on
☐ Newspaper has a Web site but refuses to post the public notice.

David L. Pearce

Date

October 13, 2010

Title

Battney Ridman

LEGAL ADVERTISING

See table of legal rates in the applicable State Board of Accounts Bulletin

Claim No. _____ Warrant No. _____

IN FAVOR OF

\$ _____

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. _____

ALLOWED _____

IN THE SUM OF \$ _____

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently
correct
incorrect

I certify that the within claim is true and correct, that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1065X

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

EXEMPTION NOTICE

EXHIBIT D

CERTIFICATION OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

Certificate of Compliance

49 CFR 1105.11 – Advance Distribution of Environmental and Historic Report

I certify that, on October 4, 2010, a copy of Indiana Southwestern Railway Company's consolidated Environmental and Historic Report for the proposed abandonment encompassed by STB Docket No. AB-1065X (appended hereto as Attachment 1), accompanied by a transmittal letter conforming to the requirements of 49 CFR 1105.11, was served upon the following entities as prescribed by 49 CFR 1105.7(b) and 1105.8(c) (copies of the transmittal letters are also appended hereto as part of Attachment 1):

Michael Riley, Manager
INDOT Rail Office
100 N. Senate Avenue, Rm N955
Indianapolis, IN 46204-2220

Matt Buffington
Department of Natural Resources
Division of Fish & Wildlife
402 West Washington Street, Room W273
Indianapolis, IN 46204

Tom Easterly, Commissioner
Indiana Department of Environmental
Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46204

Mike Molnar, Program Manager
Lake Michigan Coastal Program
Division of Nature Preserves
Indiana Department of Natural Resources
402 W. Washington Street, Rm W267
Indianapolis, IN 46204

Dan Rice
Cynthiana Town Board President
PO Box 95
Cynthiana, IN 47612

Frederick L. Happe
6701 W St. Joe Road
Evansville, IN 47720

Randall Kron
17500 St. Joseph Avenue
Evansville, IN 47725

Commissioner Lloyd Winnecke
Commissioner Troy Tornatta
Commissioner Stephen Melcher
Room 305 Civic Center Complex
1 NW Martin Luther King, Jr. Blvd.
Evansville IN 47708

Jonathan Weinzapfel
City of Evansville, Indiana
1 Martin Luther King, Jr. Blvd, Room 302
Evansville IN 47708

Bruce Baker, Poseyville Council President
PO Box 194, 20 South Cale Street
Poseyville, IN. 47633

President W. Scott Moye
Posey County Commissioner
Coliseum Building
126 East 3rd Street, Rm 228
Mt. Vernon, Indiana 47620

Bharat Mathur, Deputy Regional
Administrator - EPA Region 5
77 W. Jackson Blvd.
Mailcode: C-14J
Chicago, IL 60604

Kenneth Westlake
Region 5 – U.S. EPA
77 West Jackson Boulevard
Mailcode: E-19J
Chicago, IL 60604

US Fish & Wildlife Service - Region 3
One Federal Drive, Room 630
BHW Federal Building
Fort Snelling, MN 55111

Mike Turner, Chief
Planning, Programs and Project
Management Division
U.S. Army Corps of Engineers, Louisville
P.O. Box 59
Louisville, KY 40201-0059

Juliana Blackwell, Director
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

Charlie Stockman
Rivers, Trails and Conservation Assistance
Program
National Park Service
RTCA Program
1201 Eye St., NW, 9th Floor (Org Code
2240)
Washington, DC 20005

Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

Dave White, Chief
USDA, NRCS, Office of the Chief
1400 Independence Ave., SW
Room 5105-A
Washington, DC 20250

Juliana Blackwell, Director
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

Jim Glass
State Historic Preservation Officer
Indiana Department of Natural Resources
Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South
Room W256
Indianapolis, IN 46204

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225

October 25, 2010


Robert A. Wimbish
Attorney for Indiana Southwestern
Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1065X

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

ENVIRONMENTAL AND HISTORIC REPORT

**William A. Mullins
Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
wmullins@bakerandmiller.com**

October 4, 2010

**Attorneys for Indiana Southwestern
Railway Company**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1065X

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to the above-captioned proceeding, Indiana Southwestern Railway Co. (“ISW”) intends to abandon a total of approximately 17.2 miles of interconnecting rail lines (hereinafter, the “Lines”) as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines are located in Posey and Vanderburgh Counties, IN. In accordance with the procedures set forth in 49 CFR 1105.7 and 1105.8, ISW is required to submit the following consolidated Environmental and Historic Report.

ENVIRONMENTAL REPORT

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

ISW¹ proposes to abandon approximately 17.2 miles of interconnected rail lines as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The two line segments connect with one another at Poseyville. A map delineating the proposed project is attached as Exhibit 1. Upon obtaining authority to abandon the Lines, ISW will salvage the Lines’ track and track material, and will dispose of the real estate. ISW intends to

¹ ISW is among 17 Class III railroads commonly controlled by Pioneer Railcorp (“Pioneer”). See Pioneer Railcorp – Continuance in Control Exemption – Georgia Southern Railway Co., STB Finance Docket No. 35323 (STB served December 2, 2009).

use much of the salvaged track and track material in yard expansion and track improvements elsewhere on ISW's system.

The Lines have been out of service for over two years.

As indicated above, upon obtaining abandonment authority, ISW plans to remove the Lines' rail and salvageable track material (such as tie plates, fasteners, crossties, and, possibly, the upper layer of ballast). ISW does not intend to disturb the sub-grade or sub-grade structures, and it will not engage in any excavation activity. Abandonment and the resultant salvage of the line of the Lines will eliminate 42 at-grade rail-highway crossings – 21 private crossings, and 21 public crossings.

The only alternative to abandonment would be for ISW not to abandon the Lines, and to continue to incur losses associated with the ownership of unused rail assets. The no-action alternative, in which the rail assets would remain in place, would frustrate ISW's and, by extension, Pioneer's plans to re-deploy the Lines' rail assets at other locations on ISW.

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The Lines have been inactive for over two years, and, for this simple reason, the proposed abandonment will have no impact on regional or local transportation systems and patterns. No passenger or freight traffic would be diverted to other systems or modes as a result of the proposed abandonment.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

ISW believes that the proposed abandonment is consistent with, and would promote, existing land use plans. The land adjoining the Lines consists of a combination of rural farmland, residential areas, and some forested lands.

By letters dated October 4, 2010, copies of this consolidated Environmental and Historic Report have been mailed to the appropriate local and state contacts, including to representatives of German Township, Armstrong Township, Vanderburgh County, the City of Evansville, the City of Poseyville, Posey County, and the Town of Cynthiana for their information and comment. See Exhibit 2.

- (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

ISW does not believe that there is any prime agricultural land that would be adversely

affected by the proposed abandonment. As indicated above, the land through which the Lines traverse includes some farmland, in addition to residential and forested lands. Furthermore, the proposed rail line abandonment should not in any way contribute to farmland loss, and could, in fact permit the abandoned right-of way to be converted, wherever practicable, to farmland use. Nevertheless, ISW has notified the United States Department of Agriculture's Natural Resources Conservation Service ("NRCS") of the proposed abandonment by letter dated October 4, 2010 (to which letter this consolidated Environmental and Historic Report was appended), and has requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2.

- (iii) If the action affects land or water uses within a designated costal zone, include the coastal zone information required by 1105.9.**

ISW has consulted with the Indiana Department of Natural Resources' Division of Nature Preserves – Lake Michigan Coastal Program ("IDNR-CP"), and, on the basis of such consultation, understands that no part of the Lines traverse a designated coastal zone in Indiana, that there are no designated coastal zones in Posey County or Vanderburgh County, and that the proposed abandonment would not be subject to review under any coastal zone management plan. Nevertheless, to assure compliance with the requirements of section 49 C.F.R. 1105.9, ISW has served a copy of this report on IDNR-CP by letter dated October 4, 2010.

- (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.**

ISW believes that the Lines might be suitable for alternate public use. For example, the Lines' rights-of-way might be suited for use as a recreational trail.

(4) ENERGY

- (i) Describe the effect of the proposed action on transportation of energy resources.**

There has been no traffic on the Lines in over two years, and, for this reason, the proposed abandonment will have no effect on the transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

Because no shipper will lose rail service as a result of the proposed action, the abandonment should have no effect on the movement and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

Because the proposed abandonment involves long-out-of-use rail lines, the abandonment should have no effect on overall energy usage.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:**

- (A) 1,000 rail carloads a year; or
- (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

The Lines are inactive and have been for over two years. There will be no diversion of rail traffic to motor carriage, and, by extension, no traffic diversions that would exceed the thresholds stated above.

(5) **AIR**

(i) If the proposed action will result in either:

- (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
- (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply.

The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

- (A) An increase in rail traffic or at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
- (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, the state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction 49 U.S.C. 10901(or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Based upon 40 CFR 81.325, ISW believes that Posey and Vanderburgh Counties are *not*

designated non-attainment areas, and that the above-stated thresholds are therefore inapplicable.² Nevertheless, the above thresholds will not be exceeded.

- (iii) **If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.**

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) **An incremental increase in noise levels of three decibels Ldn or more; or**
- (ii) **an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.**

None of the thresholds in item 5(i) of this section will be exceeded.

(7) SAFETY

- (i) **Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

The proposed abandonment of long out-of-service rail lines should have no material impact on public health and safety. If the abandonment is granted and the Lines are salvaged, ISW will close permanently 21 public road crossings and 21 private crossings, thereby enhancing safety by eliminating distractions to vehicular traffic crossing the Lines.

- (ii) **If hazardous materials are expected to be transported , identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

No hazardous materials are expected to be transported, and, indeed, no traffic of any kind

² ISW understands, however, that Vanderburgh County had at one time been designated as an air quality non-attainment area, but that it is now an air quality "maintenance" area.

has moved over the Lines in more than two years.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way; identify the location of those sites and the types of hazardous materials involved.**

ISW has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the Lines' rights-of-way or on adjacent sites.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

ISW does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. ISW has notified the U.S. Fish and Wildlife Service ("USF&W") and the Indiana Department of Natural Resources – Division of Fish & Wildlife ("IDFW") of the proposed abandonment by letters dated October 4, 2010, and has requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as critical habitat. A copy of this report was attached to the letters sent to USF&W and IDFW. See Exhibit 2.

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Having consulted local maps, ISW is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment. Nevertheless, ISW has notified the National Park Service ("NPS") of the proposed abandonment by letter dated October 4, 2010. A copy of this report was attached to the letter sent to NPS. See Exhibit 2.

(9) WATER

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

ISW is confident that the proposed abandonment will be consistent with applicable water quality standards. In connection with this issue, ISW has contacted the Indiana Department of Environmental Management ("IDEM") and the United States Environmental Protection Agency ("USEPA") by letters dated October 4, 2010. A copy of this report was attached to each of the letters. See Exhibit 2.

- (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

ISW believes that – (1) no permits under section 404 of the Clean Water Act will be required for the proposed abandonment, and (2) no designated wetlands or 100-year flood plains will be affected. Upon receiving abandonment authority, removal of track material will be accomplished by use of the right-of-way for access, along with access via existing public and private crossings as necessary. No new access roads are contemplated. ISW does not intend to disturb any of the underlying roadbed or to perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris, if removed, will be transported away from the Lines, and will not be discarded along the rights-of-way; they will not be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. For these reasons, ISW believes that a permit under Section 404 of the Clean Water Act will not be required.

ISW has contacted the U.S. Army Corps of Engineers – Louisville Field Office by letter dated October 4, 2010. A copy of this report was attached to the letter. See Exhibit 2.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

ISW believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. (See discussion in section 9(ii) above.) Nevertheless, ISW has contacted the IDEM and the USEPA regarding this item by letter dated October 4, 2010, and has requested guidance in identifying any potential water quality impacts (based on applicable water quality standards) and in determining whether the proposed abandonment is consistent with such federal, state, or local standards. A copy of this report was attached to the letter. See Exhibit 2.

(10) PROPOSED MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

ISW does not expect any adverse environmental impact from the proposed abandonment and, therefore, is of the opinion that mitigating action is unnecessary. ISW will, of course, cooperate in any further evaluation of proposed remedial/mitigation actions which interested federal, state, and/or local agencies may recommend to the Board.

(11) ADDITIONAL INFORMATION FOR RAIL CONSTRUCTIONS

Not applicable.

HISTORIC REPORT

49 CFR 1105.8(d):

- (1) A.U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;**

U.S.G.S. topographic maps depicting the location of the proposed abandonment and the location of structures that are 50 years old or older and that are located along the Lines are attached as Exhibit 3. These maps are being supplied to the Indiana Department of Natural Resources – Division of Historic Preservation and Archaeology (“IDNR-DHPA”) as part of a complete copy of this report. ISW believes that there are 16 railroad structures on the line that are believed to be 50 years old or older, each of them a bridge.

- (2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;**

According to ISW data and valuation maps, the 17.2-miles of right-of-way ranges in width from approximately 66 feet to approximately 100 feet (with a few sections running somewhat narrower and some stretches widening to as much as 130 feet), and extends from milepost 227.5 at Poseyville to milepost 240.2 at German Township, and from milepost 277.5 at Cynthiana to milepost 282.0 at Poseyville. The aforementioned rights of way are located in Posey and Vanderburgh Counties, IN. The Lines run adjacent to lands of varying uses, ranging from forested open land and rural farmland to developed and residential areas. The topography is generally flat, with some rolling hills.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;**

ISW has determined that there are 16 structures along the Lines – all of them wooden trestles – that may be 50 years old or older, and the location of each such structure is shown on the U.S.G.S. maps attached as Exhibit 3. ISW has photographed and documented each of these 16 structures, and has supplied original photographs of each such structure to IDNR-DHPA for evaluation. As Appendix A to Exhibit 4, ISW is also attaching copies of valuation maps in its possession, which may provide further documentation potentially relevant to historical analysis of the structures in question. Aside from the materials included in Exhibit 4 and the photographic documentation of these structures in their current states, ISW does not have any additional information in its possession (such as engineering diagrams or other records) that it believes would be of usefulness in aiding in any historical structures analysis.

As additional information, ISW does not anticipate removing or dismantling any of the 16 bridges along the Lines.

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;**

According to the limited information in ISW's possession, the 16 bridges along the Lines are believed to have been built at least 50 years ago. Many of these structures probably have been improved over time, although ISW has not undertaken any major improvements to these bridges during the time that ISW has owned the Lines.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;**

ISW has no historical records of its own relating to the Lines. Based on research, however, ISW understands that the Lines may have been constructed in the early 1880s by the Evansville and Peoria Railroad, which thereafter became the Peoria, Decatur & Evansville Railway ("PD&E"). The Lines, particularly the segment between Poseyville and German Township, appear to have at one time been part of a longer through route extending between Evansville, IN, and Newton, IL. ISW's research also indicates that the PD&E, including the Lines that are the subject of the proposed abandonment, became part of the Illinois Central Railroad ("IC") in 1900.

ISW believes that the Lines were part of a larger transaction, pursuant to which Indiana Hi-Rail Corporation (and an apparent affiliate, Garden Spot & Ohio) acquired a series of rail lines from IC. See Indiana Hi-Rail – Exemption, 51 FR 15075 (Apr. 22, 1986). Evidently, the Lines subsequently went through a series of operators, the last of which, prior to ISW, was Evansville Terminal Company, Inc. ("EVTC").³

In March of 2000, ISW, then a non-carrier subsidiary of Pioneer, acquired the Lines from EVTC and ABR. See Indiana Southwestern Railway Co. – Acquisition and Operation Exemption – Evansville Terminal Company, Inc. and AB Rail Investments, Inc., STB Finance Docket No. 33859 (STB served Mar. 28, 2000). ISW became a carrier upon acquisition of the Lines.

ISW intends, upon the effectiveness of the class exemption, to terminate its rail common carrier obligation over and to abandon the Lines. ISW would salvage the rail and track material that possesses positive net salvage value, and reuse them elsewhere on its system. However, ISW does not intend to dismantle or remove any bridges along the Lines.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;**

As indicated above, the Lines appear to have been built the late 1800s, but ISW is one of many subsequent owners of these rail assets. ISW was not supplied with, and does not have, engineering drawings of the structures discussed above. In fact, the only relevant documents in ISW's possession have been included in Exhibit 4.

³ At the time that EVTC operated the Lines, AB Rail Investments, Inc. ("ABR") owned the Poseyville-Cynthiana line segment.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);**

As indicated above, ISW's records indicate that there are 16 structures (bridges) on or adjacent to the Lines that are believed to be 50 years old or older. In the opinion of ISW, these structures would not meet the criteria for listing on the National Register of Historic Places. As the photographs supplied to IDNR-DHPA would suggest, none of the subject structures has unique or otherwise significant design characteristics. Moreover, none of these structures is linked to events or historic significance. ISW understands that many, if not all, of the structures in question could remain in use in the event that the Lines' rights-of-way were to be converted into recreational trail.

ISW is unaware of any archeological resources or any other previously unknown historic properties on the Lines' rights-of-way.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.**

ISW has no records of, and is unaware of, any known subsurface ground disturbance or fill, or environmental conditions that might affect the recovery of archeological resources. Undoubtedly, track work and/or construction has occurred regularly over the many years that the Lines have been in operation. Such work may have affected the potential for recovery of archeological resources.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1065X

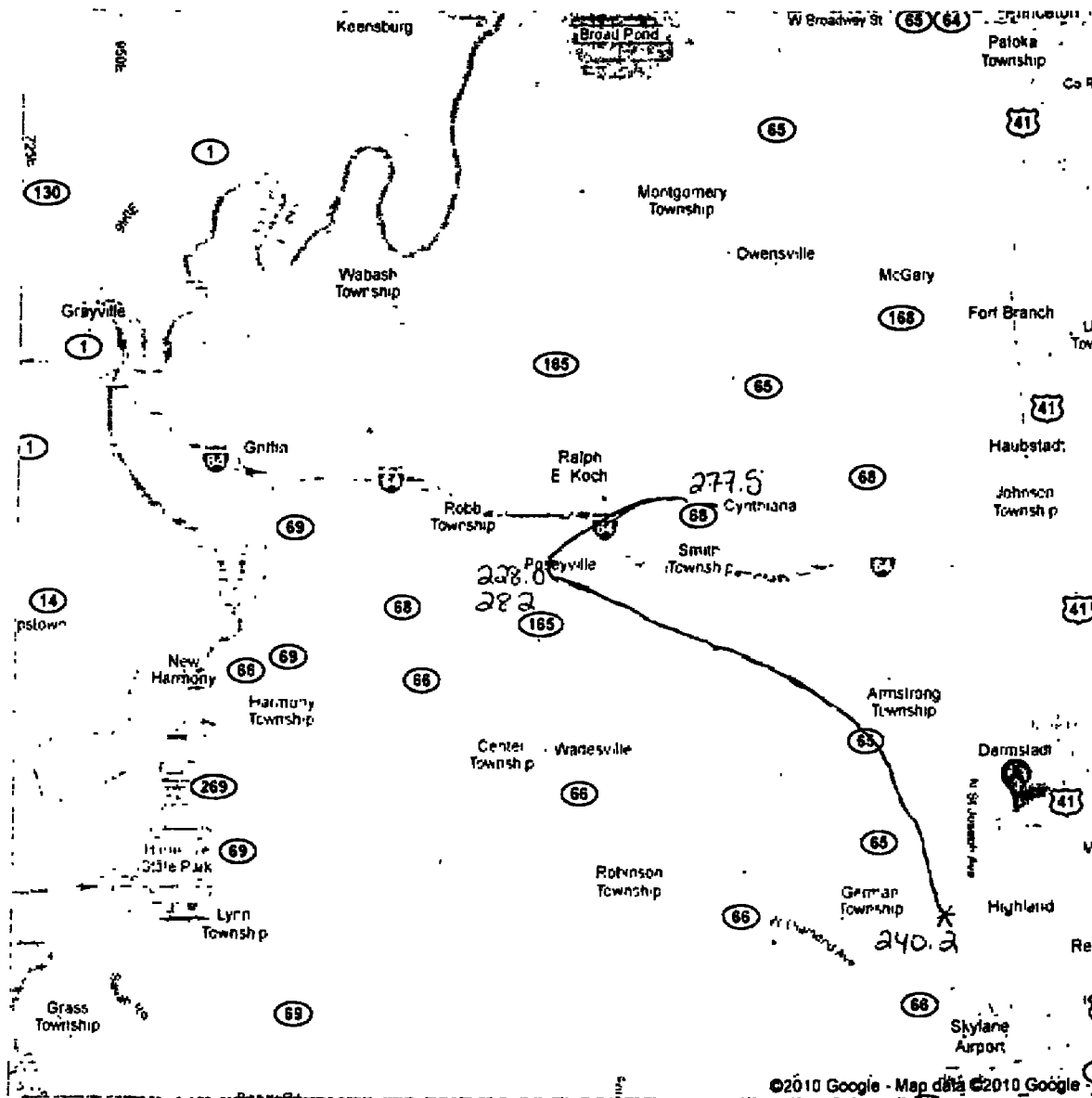
**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 1 – LOCATION MAP

Google maps Address Vanderburgh
Indiana

Get Google Maps on your phone
Text the word "GMAPS" to 466453



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1065X

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 2 – CONSULTATION LETTERS

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

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WASHINGTON, DC 20037

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ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN, STB Docket No. AB-1065X*

Dear Chief Tidwell:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, *et al.*), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to

Thomas L. Tidwell, Chief
October 4, 2010
Page 2

SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

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ROBERT A. WIMBISH

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E-Mail rwimbish@bakerandmilller.com

October 4, 2010

Dave White, Chief
USDA, NRCS, Office of the Chief
1400 Independence Ave., SW, Room 5105-A
Washington, DC 20250

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Chief White:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would appreciate a copy of any comments you may file.

Dave White, Chief
October 4, 2010
Page 2

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmilller.com; or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish", with a stylized flourish at the end.

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
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ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

US Fish & Wildlife Service
Region 3
One Federal Drive, Room 630
BHW Federal Building
Fort Snelling, MN 55111

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Sir or Madame:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would

appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

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ROBERT A. WIMBISH

(202) 863-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Michael Riley, Manager
INDOT Rail Office
100 N. Senate Avenue, Rm N955
Indianapolis, IN 46204-2220

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Riley:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would

Michael Riley, Manager
October 4, 2010
Page 2

appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish".

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW

SUITE 300

WASHINGTON, DC 20037

TELEPHONE (202) 663-7820

FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)

E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Matt Buffington
Department of Natural Resources
Division of Fish & Wildlife
402 West Washington Street, Room W273
Indianapolis, IN 46204

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Buffington:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would

Matt Buffington
October 4, 2010
Page 2

appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
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FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakerandmiller.com

October 4, 2010

Tom Easterly, Commissioner
Indiana Department of Environmental Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46204

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Easterly:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, *et al.*), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would

Tom Easterly, Commissioner
October 4, 2010
Page 2

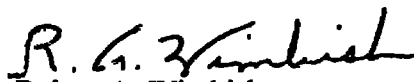
appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300

WASHINGTON, DC 20037

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FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)

E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Mike Molnar, Program Manager
Lake Michigan Coastal Program
Division of Nature Preserves
Indiana Department of Natural Resources
402 W. Washington Street, Rm W267
Indianapolis, IN 46204

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Molnar:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to

Mike Molnar, Program Manager
October 4, 2010
Page 2

SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
SUITE 300
WASHINGTON, DC 20037

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FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Frederick L. Happe
6701 W St. Joe Road
Evansville, IN 47720

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Happe:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would appreciate a copy of any comments you may file.

Frederick L. Happe
October 4, 2010
Page 2

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish", with a stylized flourish at the end.

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE (202) 663-7820
FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakerandmiller.com

October 4, 2010

Randall Kron
17500 St. Joseph Avenue
Evansville, IN 47725

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Kron:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consist of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would appreciate a copy of any comments you may file.

Randall Kron
October 4, 2010
Page 2

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish", written in a cursive style.

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
SUITE 300
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FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Commissioner Lloyd Winnecke
Commissioner Troy Tornatta
Commissioner Stephen Melcher
Room 305 Civic Center Complex
1 NW Martin Luther King, Jr. Blvd.
Evansville IN 47708

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Commissioners:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consist of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

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Commissioner Lloyd Winnecke
Commissioner Troy Tornatta
Commissioner Stephen Melcher
October 4, 2010
Page 2

abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish", with a stylized flourish at the end.

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW

SUITE 300

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ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)

E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Jonathan Weinzapfel
City of Evansville, Indiana
1 Martin Luther King, Jr. Blvd, Room 302
Evansville IN 47708

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mayor Weinzapfel:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

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Mayor Jonathan Weinzapfel
October 4, 2010
Page 2

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

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If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish".

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
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FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Bruce Baker, Poseyville Council President
PO Box 194
20 South Cale Street
Poseyville, IN. 47633

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr Baker:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

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Bruce Baker, Poseyville Council President
October 4, 2010
Page 2

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. A. Wimbish", with a stylized flourish at the end.

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 663-7820
FACSIMILE (202) 663-7848

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

President W. Scott Moye
Posey County Commissioner
Coliseum Building
126 East 3rd Street, Rm 228
Mt. Vernon, Indiana 47620

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Commissioner Moye:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would

President W. Scott Moye

October 4, 2010

Page 2

appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,



Robert A. Wimbish

Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW

SUITE 300

WASHINGTON, DC 20037

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FACS.MILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)

E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Charlie Stockman
Rivers, Trails and Conservation Assistance Program
National Park Service
RTCA Program
1201 Eye St., NW, 9th Floor (Org Code 2240)
Washington, DC 20005

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN, STB Docket No. AB-1065X*

Dear Mr. Stockman:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to

Charlie Stockman
October 4, 2010
Page 2

SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
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FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Sir or Madame:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish", with a stylized flourish at the end.

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW

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ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)

E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Dan Rice
Cynthiana Town Board President
PO Box 95
Cynthiana, IN 47612

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Rice:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, *et al.*), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would appreciate a copy of any comments you may file.

Dan Rice
October 4, 2010
Page 2

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish", with a stylized flourish at the end.

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
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WASHINGTON, DC 20037

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FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Bharat Mathur, Deputy Regional Administrator
EPA Region 5
77 W. Jackson Blvd.
Mailcode: C-14J
Chicago, IL 60604

RE: *Indiana Southwestern Railway Co. - Abandonment Exemption – In Posey
and Vanderburgh Counties, IN, STB Docket No. AB-1065X*

Dear Mr. Mathur:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

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Bharat Mathur, Deputy Regional Administrator
October 4, 2010
Page 2

appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

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Sincerely,



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW

SUITE 300

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FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663 7824 (Direct Dial)

E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Kenneth Westlake
Region 5 – US Environmental Protection Agency
77 West Jackson Boulevard
Mailcode: E-19J
Chicago, IL 60604

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Westlake:

On or about October 25, 2010, Indiana Southwestern Railway Co. (“ISW”) expects to file with the Surface Transportation Board (“STB”) a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the “Lines”) consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

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Kenneth Westlake
October 4, 2010
Page 2

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Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

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Sincerely,



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
SUITE 300
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ROBERT A. WIMBISH

(202) 663 7824 (Direct Dial)
E Mail rwimbish@bakerandmiller.com

October 4, 2010

Mike Turner, Chief
Planning, Programs and Project Management Division
U.S. Army Corps of Engineers, Louisville
P.O. Box 59
Louisville, KY 40201-0059

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Turner:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, *et al.*), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

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Mike Turner, Chief
October 4, 2010
Page 2

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Sincerely,



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
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ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

Juliana Blackwell, Director
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Ms. Blackwell:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, et al.), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

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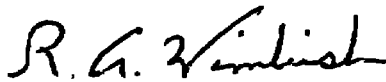
Juliana Blackwell, Director
October 4, 2010
Page 2

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish".

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 663-7820
FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E Mail rwimbish@bakerandmiller.com

October 4, 2010

Jim Glass, State Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Glass:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, *et al.*), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line

Jim Glass, State Historic Preservation Officer
October 4, 2010
Page 2

abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE (202) 663-7820
FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakerandmiller.com

October 4, 2010

David Lott Hardy, Chairman
PNC Center
101 West Washington Street
Suite 1500 E
Indianapolis, Indiana 46204

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Hardy:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, *et al.*), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to STB Docket No. AB-1065X. You may also contact the undersigned counsel for ISW. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to SEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ISW, I would

David Lott Hardy, Chairman
October 4, 2010
Page 2

appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before ISW files this Notice of Exemption, your feedback will be included in ISW's Report filed with the STB. If ISW receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&HR, ISW does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Lines do not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ISW's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ISW's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely, .



Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 863-7820
FACSIMILE (202) 863-7849

ROBERT A. WIMBISH

(202) 863-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 4, 2010

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225

RE: *Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey
and Vanderburgh Counties, IN*, STB Docket No. AB-1065X

Dear Mr. Dorfman:

On or about October 25, 2010, Indiana Southwestern Railway Co. ("ISW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, *et al.*), pursuant to which ISW will seek to abandon approximately 17.2 miles of rail lines located in Posey and Vanderburgh Counties, Indiana. The subject rail lines proposed for abandonment (the "Lines") consists of two interconnected segments as follows: (1) between milepost 227.5 at Poseyville, IN, and milepost 240.2 near German Township, IN (a distance of approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, IN, and milepost 282.0 at Poseyville, IN (a distance of approximately 4.5 miles). The Lines traverse United States Postal Zip Codes territories 47720, 47633, and 47612.

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David Dorfman
October 4, 2010
Page 2

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Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Wimbish", written in a cursive style.

Robert A. Wimbish
Counsel for Indiana Southwestern Railway Co.

Enclosure

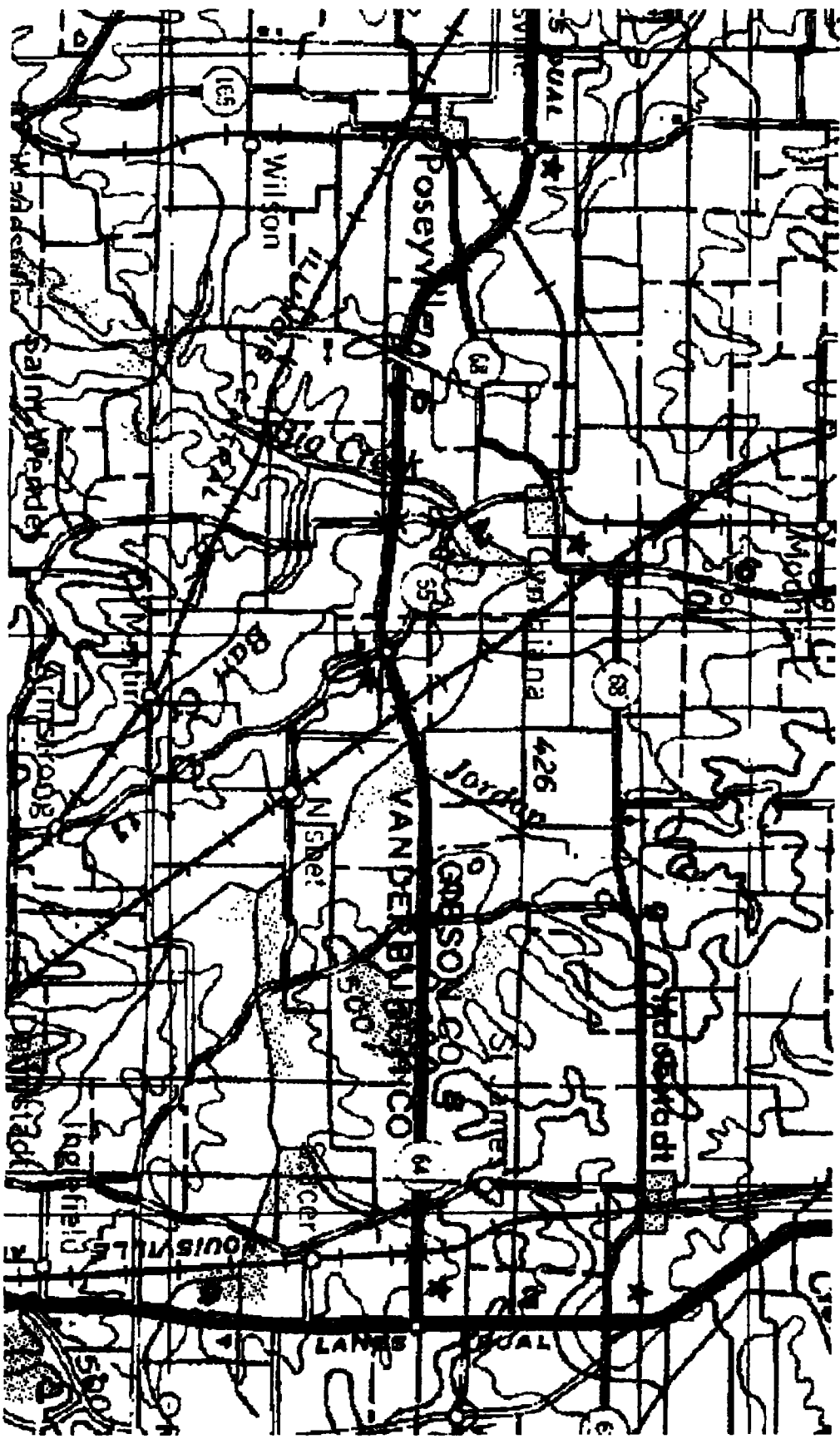
**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1065X

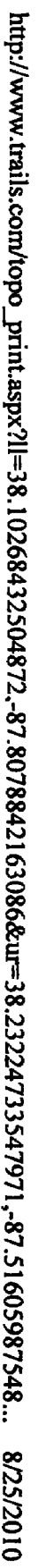
**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 3 – U.S.G.S TOPOGRAPHIC MAPS









**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

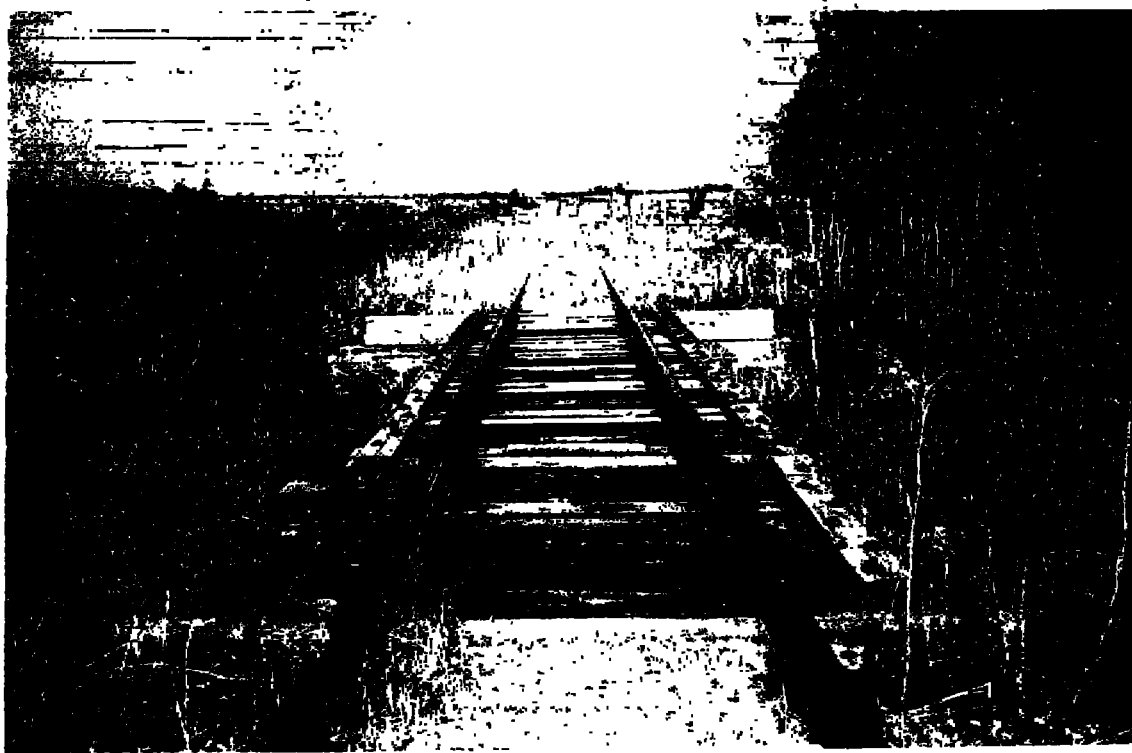
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**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 4 – COLOR PHOTOGRAPHS (STRUCTURES)

**[SUPPLIED TO Indiana Department of Natural Resources – Division of Historic
Preservation and Archaeology]**



B-MP 280.1

2nd Bridge going towards Cynthiana





B-MP 280.4

1ST Bridge to Cynthiana

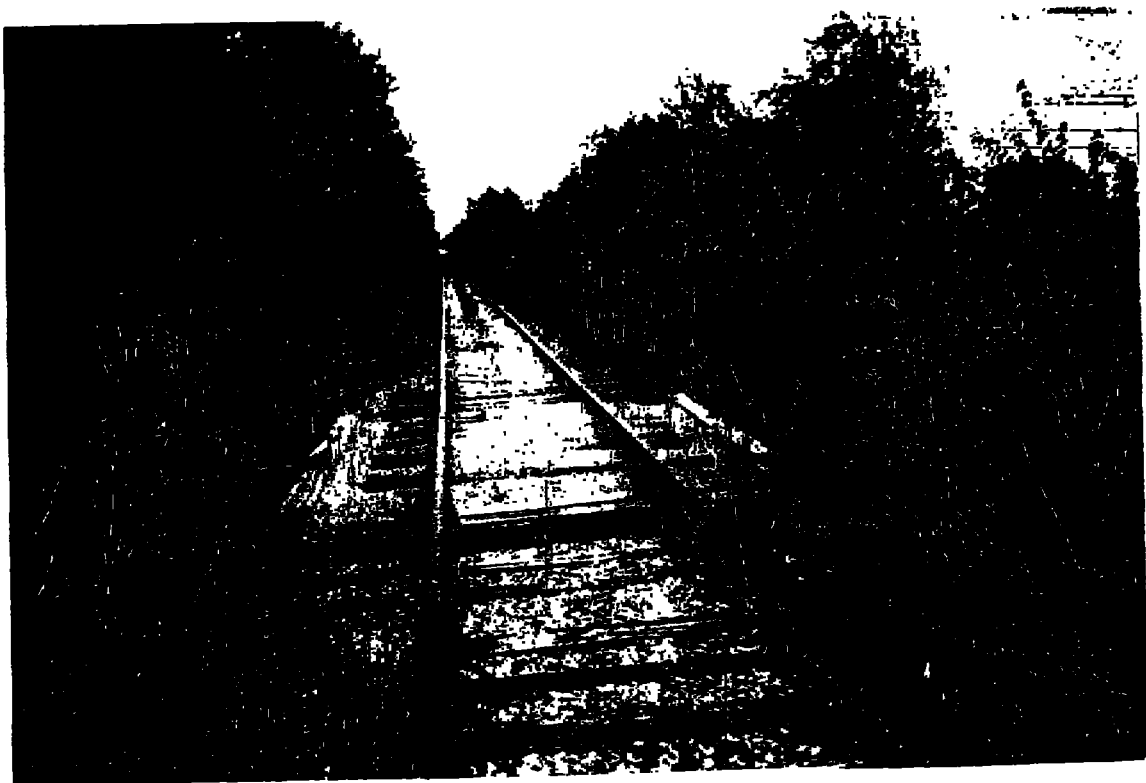


B-MP 280.4

**1ST Bridge on Poseyville to Cynthiana
under I-64 Overpass**



B-MP 228.9



B-MP 228.9

Last Bridge at P&O Turnout



B-MP 231.3





B-MP 232.0





B-MP 232.1





B-MP 232.4





B-MP 233.8





B-MP 234.5





B-MP 235.0





B-MP 235.6





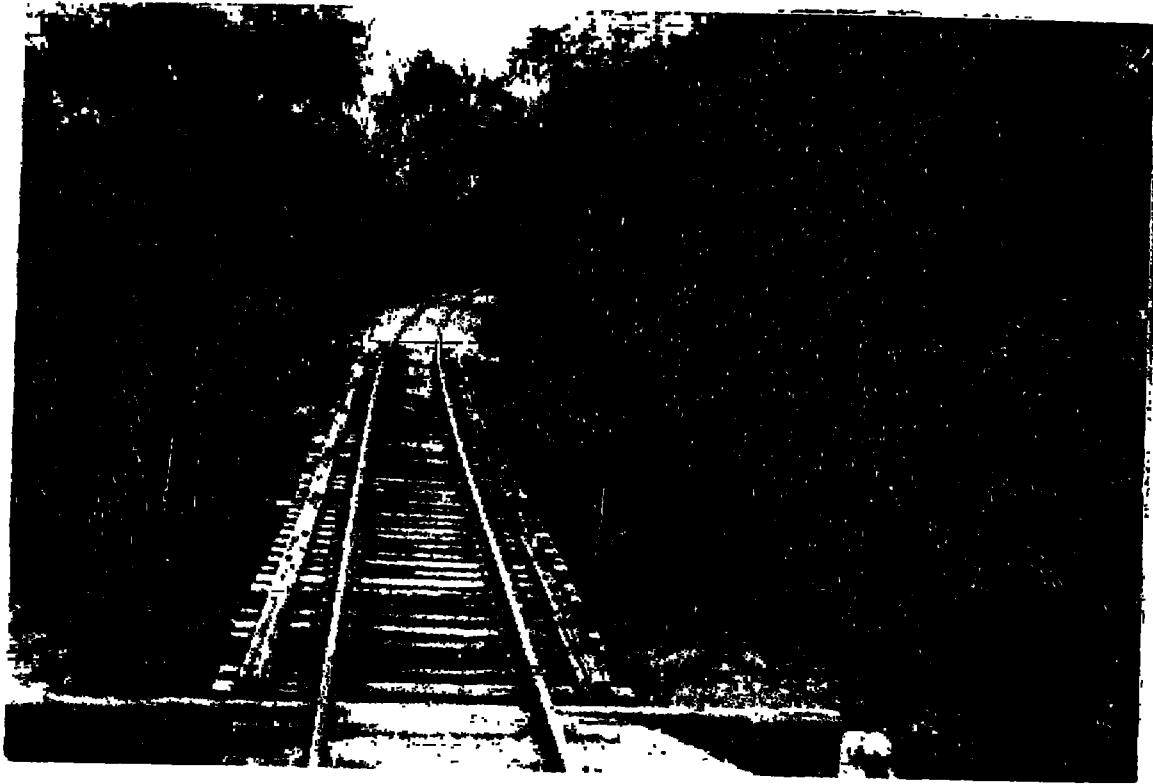
B-MP 237.9





B-MP 238.6





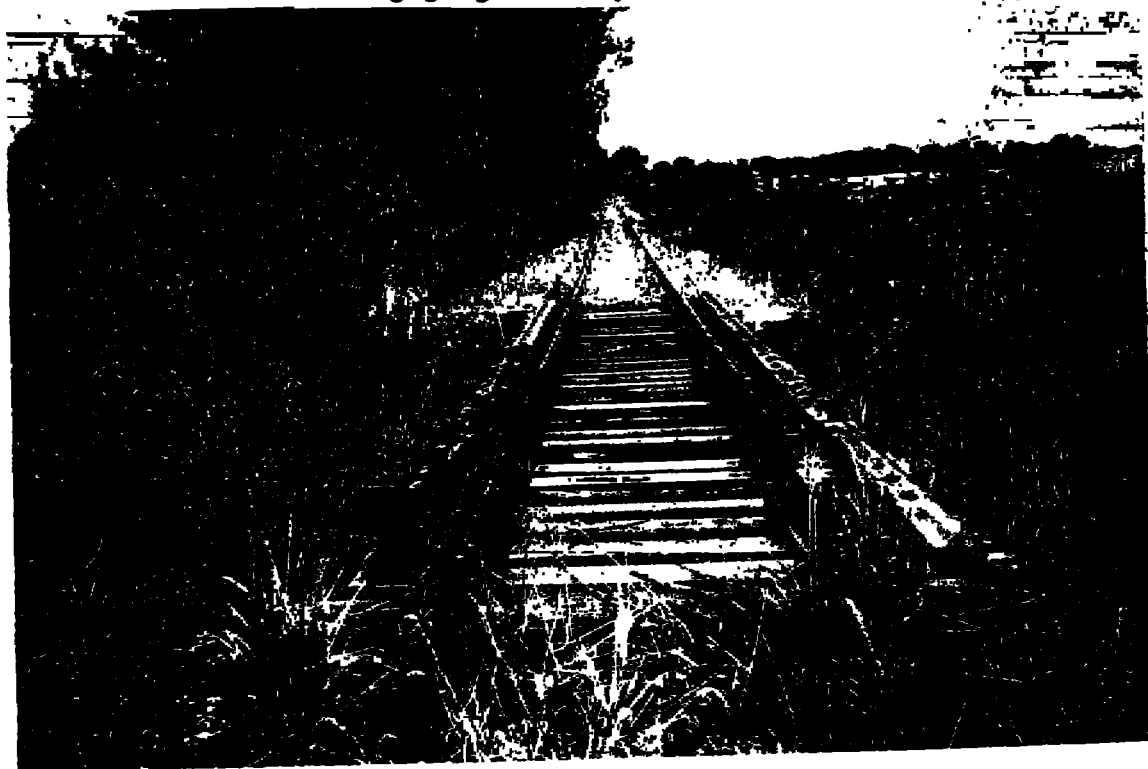
B-MP 240.2





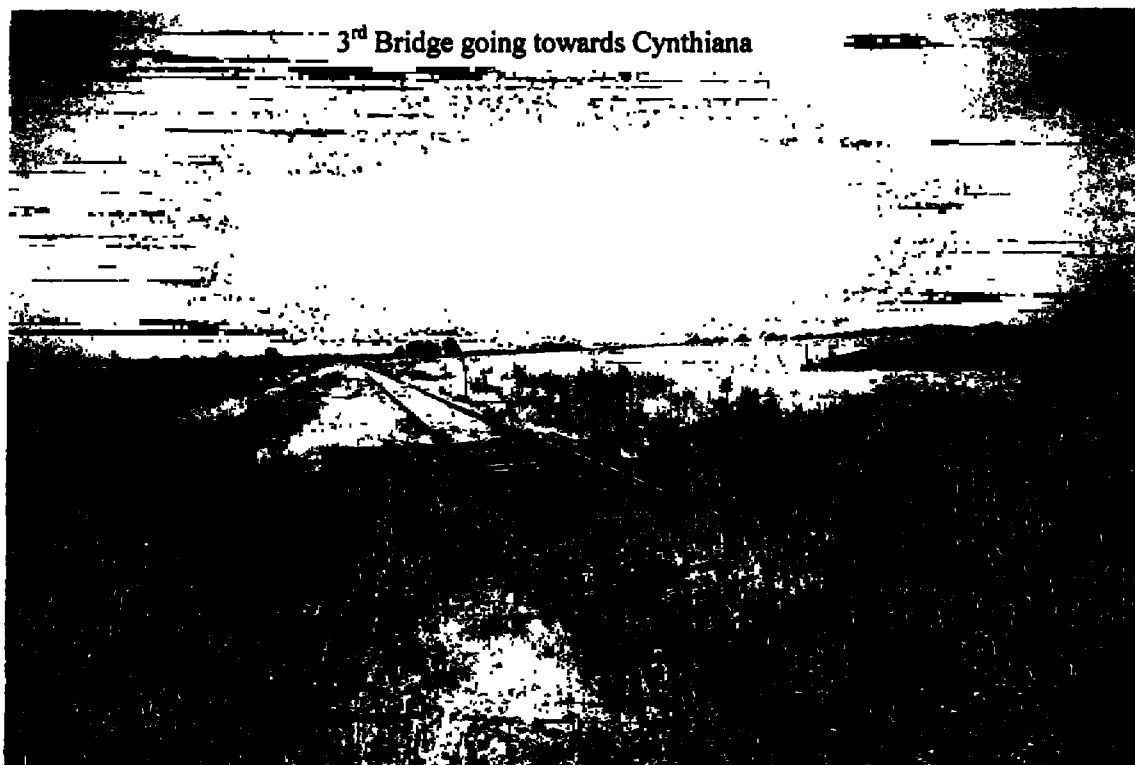
B-MP 278.5

4th Bridge going towards Cynthiana





B-MP 279.16



3rd Bridge going towards Cynthiana

